

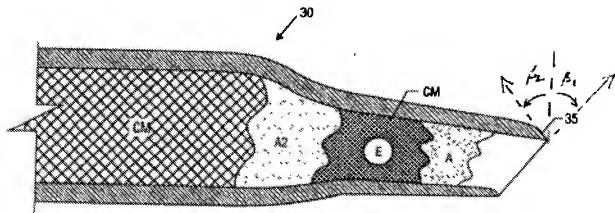
## REMARKS

Claims 1-18 were examined. Claims 1, 10 and 18 are amended. Claims 1-18 remain in the Application.

The Patent Office objects to the drawings. The Patent Office rejects claims 1-18 under 35 U.S.C. §103(a). Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

### A. Objection to the Drawings

The Patent Office objects to the marked-up Figure 11 submitted by Applicant on February 19, 2008. The marked-up Figure 11 was submitted for illustration purposes only to show that the Application clearly taught a tip defined by a second point beveled in a second direction opposite the first direction (illustratively indicated as  $\beta_1$  and  $\beta_2$  in Figure 11). Applicant apologizes for any confusion whether Applicant intended the marked-up Figure 11 to be entered. Applicant believes  $\beta_1$  and  $\beta_2$  are fully supported in the Application though not specifically called out by such identifiers. Applicant does not believe an amended Figure 11 showing  $\beta_1$  and  $\beta_2$  is necessary.



**FIG. 11**

Applicant respectfully requests that the Patent Office withdraw the objection to the drawings.

B. 35 U.S.C. §103(a): Rejection of Claims 1-18

The Patent Office rejects claims 1-18 under 35 U.S.C. §103(a) over U.S. Patent No. 4,474,576 of Gobby (Gobby) in view of U.S. Patent No. 5,472,419 of Bacich (Bacich). Gobby is cited for disclosing an artificial insemination device including a delivery section 51, a storage section 53 and a passage through both section, with the delivery member 30 defining a first axis of symmetry through the passage and a distal portion being offset. Bacich is cited for disclosing a transfer catheter body having a distal portion having an end that is beveled in a first direction across a passage and a second point beveled in a second direction.

Claims 1-10 describe a catheter including a shaft including a distal portion having an end that is beveled in a first direction across an opening. The end is defined by two points: a first point and a second point with a length of the shaft to the second point being longer than to the first point. The claims also describe "a portion of the shaft including the second point" is beveled in a second direction opposite the first direction defining a tip.

Claims 1-10 are not obvious over the cited references, because the references fail to describe a catheter including a shaft including a distal portion having an end that is beveled in a first direction across an opening and a portion of the shaft including the second point beveled in a second direction opposite a first direction defining a tip. The Patent Office cites Bacich for the noted language. Bacich, however, includes an end of distal portion 31 beveled in a first direction and a portion of body 13 including second point 39 beveled in a second direction (relative to the first direction) but the second direction is not an opposite direction but instead is a blunted end of the transfer catheter.

Bacich does not describe its device as a cutting tool. In fact, Bacich describes delivering biological material into a fallopian tube. Bacich is directed at a device having an end that opens both axially and laterally. As shown in Figure 5 and described in the specification, "the material can be passed through the distal opening 23 even if tissue 63 tends to block a portion of the axially opening portion 35." Bacich does not provide a single example or any description of its device as a cutting tool. Thus, Applicant believes the Patent Office has not provided sufficient

motivation to combine Bacich and Gobby. There is no motivation, suggestion or prediction in the combined references for a distal portion of a shaft having an end having a first point and a second point that is beveled in a first direction across an opening and a portion of the shaft including the second point beveled a second direction opposite the first direction defining a tip.

Furthermore, with reference to the Patent Office's marked-up version of Figure 2 of Bacich apparently illustrating angle  $\beta_2$  in a direction opposite to that of angle  $\beta_1$ , Applicant can find no support in Bacich for defining a distal end of the device in Figure 2 having the "rounded" end the Patent Office uses to define angle  $\beta_2$ . In other words, the "rounded" end of the device of Bacich appear to be no more than an illustrator's artistic rendering and not an accurate depiction of the device described by Bacich. For example, Figures 1, 3 and 5 of Bacich illustrate the same device with a blunted end (angle  $\beta_2$  of  $90^\circ$ ). Figure 3 is particularly noteworthy. If angle  $\beta_2$  were anything other than  $90^\circ$ , such angle would certainly be indicated in the representation of Figure 3.

Claims 11-18 describe an apparatus including a catheter body with a distal portion of the catheter body having an end beveled in a first direction across an end opening and a second portion beveled in a direction opposite the first direction defining a tip. As noted above with respect to claims 1-10, the cited references do not describe a catheter body having an end beveled in a first direction and a portion beveled in a second direction opposite the first direction defining a tip. The arguments presented above with respect to claims 1-10 are incorporated hereto.

Applicant respectfully requests that the Patent Office withdraw the rejection to claims 1-18 under 35 U.S.C. §103(a).

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: \_\_\_\_\_

8/6/08

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

Nedy Calderon

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8/7/08

Date